

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

QUENTAN JACKSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:20-cv-00976-GCS
)	
J.D. VAUGHN, B. VAUGH, and SGT.)	
AUSTIN,)	
)	
Defendants.)	

SHOW CAUSE ORDER

SISON, Magistrate Judge:

On October 4, 2021, the Court set this matter for a telephone status conference on October 20, 2021 at 10:00 A.M. (Doc. 38) on Defendants’ Motion to Dismiss and to Stay the Dispositive Motion Deadline on the Issue of Administrative Exhaustion. (Doc. 37). Plaintiff has not filed a change of address with the Court, however, documents sent to Plaintiff have been returned as undeliverable. *See* (Doc. 32). On October 20, 2021, the Court held the telephone status conference on Defendants’ motion, and Plaintiff failed to appear. (Doc. 39).

Federal Rule of Civil Procedure 41(b) provides that “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” In dismissing a case for lack of prosecution, the Seventh Circuit has indicated that a district court commits legal error “when it

dismisses a suit ‘immediately after the first problem, without exploring other options or saying why they would not be fruitful.’” *Sroga v. Huberman*, 722 F.3d 980, 982 (7th Cir. 2013)(quoting *Johnson v. Chi. Bd. of Educ.*, 718 F.3d 731, 732-733 (7th Cir. 2013)). The Seventh Circuit has suggested that in addition to warning the plaintiff, the court must consider essential factors such as “the frequency and egregiousness of the plaintiff’s failure to comply with other deadlines, the effect of the delay on the court’s calendar, and the prejudice resulting to the defendants.” *Id.* (citing *Kruger v. Apfel*, 214 F.3d 784, 786-787 (7th Cir. 2000)).

Because of Plaintiff’s failure to appear and to update his address, the Court **ORDERS** Plaintiff to **SHOW CAUSE in writing**, on or before **November 11, 2021**, to explain why the case should not be dismissed for failure to prosecute.

IT IS SO ORDERED.

DATED: October 21, 2021.

 Digitally signed
by Judge Sison 2
Date: 2021.10.21
08:51:00 -05'00'

GILBERT C. SISON
United States Magistrate Judge